

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADAM STUART VANNOY,

Defendant.

4:21-CR-3044

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's objection ([filing 61](#)) to the Magistrate Judge's Findings, Recommendation, and Order ([filing 58](#)) recommending that the defendant's Motion to Suppress ([filing 41](#)) be denied. The Court has conducted a de novo review of the motion to suppress, pursuant to [28 U.S.C. § 636\(b\)\(1\)](#). On its de novo review, the Court agrees with the Magistrate Judge's findings and recommendation, and will adopt them.

The Court particularly notes that the defendant's reliance on *Navarette v. California*, [572 U.S. 393 \(2014\)](#) is misplaced. The defendant suggests that *Navarette*'s finding of reasonable suspicion to initiate a traffic stop turned on the 911 caller's report in that case that she had been run off the road: "more than a minor traffic infraction and more than a conclusory allegation of drunk or reckless driving." *Id.* at 403. This case, the defendant suggests, presents less than that. See [filing 62 at 2-3](#).

But what the defendant omits is *Navarette*'s illustration of what might be insufficient: "Unconfirmed reports of driving without a seatbelt or slightly over the speed limit, for example." *Id.* at 402. The defendant in this case, however—by his own admission—was described by the caller as tailgating, driving at extremely erratic speeds, and passing the caller at 120 miles per

hour. See [filing 62 at 1-2](#). That's far more akin to the dangerous driving described in *Navarette* than to "driving without a seatbelt or slightly over the speed limit." *Navarette* is, in fact, squarely on point in this case.

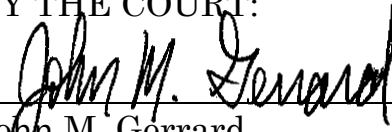
So as to that issue, and as to each of the issues presented, the Court agrees in full with the Magistrate Judge's reasoning and conclusions. Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation ([filing 58](#)) are adopted.
2. The defendant's objection ([filing 61](#)) is overruled.
3. The defendant's Motion to Dismiss ([filing 41](#)) is denied.

Dated this 17th day of December, 2021.

BY THE COURT:



John M. Gerrard
United States District Judge